

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD JULY 19, 2004 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Anthony I. Hooper, Deputy County Administrator; Mr. Paul S. McCulla, County Attorney

A B S E N T Mr. Chester W. Stribling

AGENDA REVIEW

The Board of Supervisors reviewed the agenda. Mr. Atherton explained that Mr. Stribling was absent due to family illness.

CONSIDERATION OF A RESOLUTION REQUESTING THAT THE EXPENDITURE AUTHORIZATION LIMITATION AND THE GENERAL ELECTION REQUIREMENT IN THE COUNTY'S DEBT REFERENDUM POLICY BE WAIVED FOR THE NEW HIGH SCHOOL

Janice Bourne, Director of Finance, and Bronwyn Lambelet, Chair of the School Board, presented for discussion a request that the expenditure authorization limitation and the general election requirement in the County's debt referendum policy be waived for the new high school.

DEMONSTRATION OF LIBRARY OPERATING SYSTEM, ELECTRONIC DATABASES, AND OTHER ELECTRONIC SERVICES

Barbara Severin, Chair of the Library Board, and Maria Del Rosso, Director of the Library, demonstrated the Library's on-line operating system, electronic databases, and other electronic services available to citizens.

FIRE AND RESCUE EMERGENCY SERVICES LONG RANGE SERVICE PLAN

Philip Myer, Chief of the Office of Emergency Services, and Tom Marable, President of the Fire and Rescue Association, led a presentation of the Fire and Rescue Emergency Services Long Range Service Plan.

DISCUSSION OF THE PATTON HARRIS RUST AND ASSOCIATES CHANGE ORDERS FOR THE NORTHERN SPORTS FIELD AREA PARK

Ron Mabry, Project Manager, discussed the Patton Harris Rust and Associates change orders for the Northern Sports Field Area Park.

The meeting was reconvened in Regular Session at 6:30 p.m. at Warrenton Community Center.

CONSENT AGENDA

Mr. Graham moved to adopt the consent agenda with the following changes. Mr. Robison seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison*
Nays: *None*
Absent During Vote: *Mr. Chester W. Stribling*

Abstention:

None

- Remove Consent Agenda item “a”, Approval of the Minutes for the June 21, 2004 Regular Meeting of the Fauquier County Board of Supervisors.
- Accept substitute resolution for Consent Agenda item #d, A Resolution to Award a Contract for Architectural and Engineering Services for Fire Rescue Station Improvements.
- Accept substitute resolution for Regular Agenda item #8, An Ordinance to Approve or a Resolution to Deny the 13th Addition to Marshall/Warrenton Agricultural and Forestal District, Scott District.
- Add Regular Agenda item #12, An Ordinance to Approve Rezoning Request #REZN-04-007, Virginia Crane Rental, Inc.

CITIZENS’ TIME

- Dennis McMullen, Scott District, expressed concern that a road realignment from Vint Hill would encourage heavy traffic in the area of Riley Road.
- Sheryl Wolfe, Lee District, spoke in favor of staggered terms for Board members, and supported a new high school, and a special election for a school bond referendum in the spring.
- Nancy Griffin-Bonaire, Center District, spoke in favor of a new high school, and supported a special election for a school bond referendum.
- Susan Seitz, Center District, spoke in favor of a new high school, and supported a special election for a school bond referendum.
- Robyn Fraser, Center District, spoke in favor of a new high school, and supported a special election for a school bond referendum.
- Jon Wichard expressed appreciation to Board members, County staff, Virginia Department of Transportation, and the Sheriff’s Office for addressing the need for road repairs and traffic control along Route 29 in the New Baltimore area.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented to Robyn Fraser A Proclamation to Acknowledge and Honor the Contributions of Roger Sterling Fraser to the Citizens of Fauquier.

CONSENT AGENDA

Mr. Graham moved to adopt the following consent agenda items. Mr. Robison seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison*

Nays: *None*

Absent During Vote: *Mr. Chester W. Stribling*

Abstention: *None*

A Resolution for Proposed Department of Community Development Fee Schedule Revisions

RESOLUTION

A RESOLUTION FOR PROPOSED DEPARTMENT OF COMMUNITY DEVELOPMENT FEE SCHEDULE REVISIONS

WHEREAS, the Department of Community Development and Geographical Information Systems (GIS) have several areas for specific land development-related applications which have no assigned fee; and

WHEREAS, the Board of Supervisors wants County fees to be assessed for required applications and associated documents in order to keep pace with the personnel, processing and inspection requirements due to application and project complexities, and still maintain effective, quality and responsible service; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the Department of Community Development's fee schedule be revised as follows:

| Zoning, Planning and Engineering | Current | Proposed Change |
|---|---|--|
| Zoning Permits, Variances, Appeals, Amendments & Special Permits: | | |
| <ul style="list-style-type: none"> Subdivision Potential Research Request for all Zoning District categories | RA/RC Only (\$100) | \$100 for all Zoning District Categories |
| <ul style="list-style-type: none"> Appeals to the Board of Supervisors (e.g., Proffer Statements) | None | \$500 (Fee returned if appellant prevails) |
| | | |
| Streets: | | Note that the Street addressing program is being transferred to the GIS Department. The Department of Community Development will still process and collect the fees for GIS. |
| <ul style="list-style-type: none"> Street Sign Application | \$25 plus cost of the sign | GIS: \$30 plus cost of the sign |
| | | |
| <ul style="list-style-type: none"> Street Name Change (Cost of the sign will be reimbursed if not approved) | \$25 plus postage, public hearing advertising and sign cost | GIS: \$30 plus postage, public hearing advertising and sign cost |
| | | |
| <ul style="list-style-type: none"> Street Resolutions/VDOT Acceptance into the State System | \$250 for each street | No Change: Continues to be the responsibility of the Department of Community Development. |
| | | |
| <ul style="list-style-type: none"> Street Address: Administrative | None | \$10 per residential lot |

| | | | | |
|--|---|------|--|---------------------------------------|
| | Subdivision, Family Transfer, Large Lot Subdivision Street | | | |
| | | | | |
| | <ul style="list-style-type: none"> Street Address: All Other Residential Subdivisions, including single-family attached (Timing: Final Plat Application) | None | | \$100, plus \$10 per residential lot |
| | | | | |
| | <ul style="list-style-type: none"> Major Site Plan (Including residential apartment and Non-Residential buildings) | None | | \$100, plus \$10 per business address |

Consideration of Preliminary Plat Application #PPLT04-CT-007: Raymond Farm

No action was taken.

A Resolution to Support Preparation of the Proposed Total Maximum Daily Load (TMDL) Implementation Plans for Carter's Run, Great Run, Deep Run, and Thumb Run

RESOLUTION

A RESOLUTION TO SUPPORT THE PREPARATION OF THE TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION PLANS FOR CARTER'S RUN, GREAT RUN, DEEP RUN AND THUMB RUN

WHEREAS, variable portions of Carter's Run, Great Run, Deep Run and Thumb Run have been identified as impaired by the Virginia Department of Environmental Quality; and

WHEREAS, these referenced streams have had Total Maximum Daily Load (TMDL) studies completed and approved by the Environmental Protection Agency; and

WHEREAS, the Code of Virginia requires an Implementation Plan to identify the corrective actions and resources needed to fully meet the TMDL water quality goal for all approved TMDL studies; and

WHEREAS, it is recognized that the formulation of an Implementation Plan for each approved TMDL is the next logical step in meeting acceptable water quality standards, restoring the use of each stream, improving overall community health and quality of life and avoiding federal regulatory action in the future; and

WHEREAS, the Virginia Department of Conservation and Recreation intends to provide cost-share funds to install agricultural and residential Best Management Practices (BMP) upon the completion of the plans; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That it supports the proposal of the Virginia Department of Conservation and Recreation proposal to develop Total Maximum Daily Load Implementation Plans for Carter's Run, Great Run, Deep Run and Thumb Run to improve the water quality in these impaired streams.

A Resolution to Award a Contract for Architectural and Engineering Services for Fire Rescue Station Improvements

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR ARCHITECTURAL DESIGN AND ENGINEERING SERVICES FOR THE FIRE RESCUE STATION IMPROVEMENTS

WHEREAS, Fauquier County has embarked on a long range plan to improve fire rescue facilities to include renovations and new construction; and

WHEREAS, funds have been previously appropriated from the fire tax levy for capital improvements to fire rescue facilities; and

WHEREAS, proposals were solicited for architectural and engineering services; and

WHEREAS, the Volunteer Fire & Rescue Association has approved this expenditure; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the County Administrator be, and is hereby, authorized to enter into a contract with Hughes Group Architects for Step 1 in the amount of \$35,000 for architectural and engineering services for numerous fire rescue station improvements as specified in the Request for Proposal.

A Resolution to Accept a 20-Foot Wide Trail Parcel Dedication with the Plat of Subdivision, Jamison's Farm, Phase 1A

RESOLUTION

A RESOLUTION TO ACCEPT A 20-FOOT WIDE TRAIL PARCEL DEDICATION WITH THE PLAT OF SUBDIVISION, JAMISON'S FARM, PHASE 1A

WHEREAS, on May 20, 2002, the Board of Supervisors approved the Preliminary Plat for the Jamison's Farm subdivision; and

WHEREAS, Richmond American Homes of Virginia, Inc., owner, is seeking to record the first phase of the Jamison's Farm subdivision that includes a fee simple dedication of a 20-foot wide trail parcel to the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the Board of Supervisors does hereby accept the 20-foot wide trail parcel identified in the Plat of Subdivision, Jamison's Farm, Phase 1A.

A Resolution to Adopt the Board of Supervisors' Legislative Proposals for the 2005 General Assembly

RESOLUTION

A RESOLUTION TO ADOPT THE BOARD OF SUPERVISORS' LEGISLATIVE PROPOSALS FOR THE 2005 GENERAL ASSEMBLY

WHEREAS, Fauquier County has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, the Virginia Association of Counties (VACo) has requested submission of such legislative proposals for consideration in the 2005 VACo Legislative Program; and

WHEREAS, from time to time the Board of Supervisors may revise its Legislative Program to include additional legislative priorities and issues; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the Board of Supervisors' 2005 Legislative Program be, and is hereby, adopted as follows:

LEGISLATIVE PRIORITIES:

- Adequate Public Facilities - Fauquier County supports Adequate Public Facilities legislation, which would permit high growth localities, as part of their subdivision or zoning ordinance, to determine whether public facilities are adequate to support services which will be required by the proposed subdivision or rezoning.
- Impact Fees - Fauquier County continues to support legislation that would allow localities the option to assess impact fees for school construction and other essential government services in lieu of voluntary cash proffers.
- School Funding - Fauquier County supports the continued full funding of the State's share of the Standards of Quality, full funding of any categorical educational mandate, including pay raises, and full funding of the State's portion of the Standards of Learning relating to instructional technology. Fauquier County also supports increased funding for school construction.
- Cost of Competing - Fauquier County respectfully requests that those State legislators who represent Fauquier County introduce legislation to incorporate Fauquier County into the Cost of Competing Schools and Northern Virginia Differential Funding Formula.
- Local Revenue Authority - Fauquier County opposes any measure that would eliminate or reduce any local government revenue authority.
- Local Government Zoning and Land Use Authority - Fauquier County opposes any further dilution of the zoning and land use regulatory authority of local governments.
- Increased Local Authority - Fauquier County supports legislation to provide for increased local authority in planning, zoning and revenue matters through a statutory relaxation of the Dillon Rule. However, the relaxation of the Dillon Rule should not be accompanied by a shift of responsibility for various programs from the State government to local government.
- Purchase of Development Rights - Fauquier County supports increased State funding for the purchase of conservation easements and other land conservation needs.
- Land Use Taxation - Fauquier County supports legislation that would lengthen the Land Use Value Taxation roll-back period to at least ten years.

- Water Resources Planning - Fauquier County supports a comprehensive study of the Commonwealth's surface and groundwater resources.
- Safety Improvements to Route 28 - Fauquier County supports funding for improvements to Route 28, especially between Routes 29 and 17.
- Libraries - Fauquier County supports full funding of the State aid formula for public libraries, and increased funding of the State library technology plan.

A Resolution to Approve the Patton Harris Rust and Associates Change Orders for the Northern Sports Field Area Park

RESOLUTION

A RESOLUTION TO APPROVE A CHANGE ORDER FOR PATTON HARRIS RUST & ASSOCIATES FOR WORK ON THE NORTHERN SPORTS FIELD COMPLEX AND COMMUNITY PARK

WHEREAS, the Northern Sports Field Complex and Community Park is a priority project for Fauquier County and its citizens; and

WHEREAS, Patton Harris Rust & Associates is under contract to the County as primary engineers on the Northern Sports Field Complex and Community Park; and

WHEREAS, the contract with Patton Harris Rust & Associates details specific work and tasks to be performed, and the work associated with this change order is beyond the scope of contract work; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That a change order in the amount of \$90,300 for Patton Harris Rust & Associates be, and is hereby, approved for additional work beyond contract limits for the Northern Sports Field Complex and Community Park.

A Resolution to Authorize the Re-titling of a Vacant Accounting Specialist Position to Accountant

RESOLUTION

A RESOLUTION TO AUTHORIZE THE RE-TITLING OF A VACANT ACCOUNTING SPECIALIST POSITION TO ACCOUNTANT

WHEREAS, one Accountant position currently exists within the Finance Department; and

WHEREAS, the Finance Department's workload requirements dictate the need for at least two Accountant positions; and

WHEREAS, a request has been made to re-title a vacant Accounting Specialist position, grade 28, to Accountant, grade 38; and

WHEREAS, the Board of Supervisors' Personnel Committee has endorsed the request to re-title a vacant Accounting Specialist position, grade 28, to Accountant, grade 38; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the vacant Accounting Specialist position, grade 28, be, and is hereby, re-titled to Accountant, grade 38, effective July 19, 2004.

A Resolution for Subdivision Street Acceptance for Botha Subdivision, Mangum Court, Lee Magisterial District

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR BOTHA
SUBDIVISION, MANGUM COURT, LEE MAGISTERIAL DISTRICT

WHEREAS, Mangum Court, as depicted on the site location map, and described on the Additions Form SR-5(A), is shown on plats recorded in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board of Supervisors that this street meets the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described street into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Botha Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 986, Page 1174, dated November 12, 2002; and, be it

RESOLVED FINALLY, That a certified copy of this resolution will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

A Resolution to Approve the Enrollment of Fire Marshal in 2004 National Fire, Arson & Explosion Investigation Training Program

RESOLUTION

A RESOLUTION TO APPROVE THE ENROLLMENT OF FAUQUIER COUNTY
ASSISTANT FIRE MARSHAL IN THE 2004 NATIONAL FIRE, ARSON AND EXPLOSION
INVESTIGATION TRAINING PROGRAM

WHEREAS, the Fauquier County Board of Supervisors is greatly concerned with the health, safety, and well-being of its citizens and desires that the best possible emergency services be available to them; and

WHEREAS, Chapter 3 of Title 27 of the Code of Virginia, 1950, as amended, requires continuing education and recertification of Fire Marshals every two years; and

WHEREAS, Assistant Fire Marshal Dave Laufer has agreed to attend the 2004 National Fire, Arson and Explosion Investigative Training Program and to complete the required courses to obtain his instructor rating without compensation, except for reimbursement of travel, lodging and tuition expenses in the amount of \$1,644.50; and

WHEREAS, Assistant Fire Marshal Dave Laufer has further agreed to provide in-house training to the other Fire Marshals for recertification and continuing education; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the proposed training expenditure be, and is hereby, approved to be paid from the Department of Fire and Emergency Services' budget.

A Resolution to Approve the Memorandum of Understanding Between the U.S. Alcohol, Tobacco and Firearms (ATF) Northern Virginia Arson and Explosives Task Force and the County of Fauquier Department of Fire and Emergency Services

RESOLUTION

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN
THE U.S. ALCOHOL, TOBACCO AND FIREARMS (ATF) NORTHERN VIRGINIA ARSON
AND EXPLOSIVES TASK FORCE AND THE FAUQUIER COUNTY DEPARTMENT OF
FIRE AND EMERGENCY SERVICES

WHEREAS, the Fauquier County Board of Supervisors intends to provide the best possible public safety services to the citizens of Fauquier County; and

WHEREAS, the Board of Supervisors recognizes the importance of sharing resources with neighboring jurisdictions during emergency events; and

WHEREAS, the U.S. Department of Treasury, ATF Division and the Board of Supervisors have developed a Memorandum of Understanding (MOU) as part of a Northern Virginia Regional Arson and Explosives Task Force to maximize interagency cooperation and coordination; and

WHEREAS, it is the policy of the Board of Supervisors and the Fauquier County Department of Fire and Emergency Services to conclude such agreements whenever practicable; and

WHEREAS, it is mutually deemed sound, desirable, practicable and beneficial for the parties to this MOU to render assistance to one another in accordance with these terms; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the Chairman be, and is hereby, authorized to enter into this Memorandum of Understanding effective this date.

A Resolution to Accept Award of Funding from Homeland Security Grant and Designate Grant Applicant's Agent

RESOLUTION

A RESOLUTION TO ACCEPT AWARD OF FUNDING FROM HOMELAND SECURITY GRANT AND DESIGNATE GRANT APPLICANT'S AGENT

WHEREAS, the U.S. Department of Homeland Security, through the Virginia Department of Emergency Management, has informed Fauquier County of its intent to award a grant to assist in preparation for the County's response to major incidents and to support interoperable communications on a regional level; and

WHEREAS, the County will receive \$188,956.79, of which \$23,351 has been designated to be disbursed to the Town of Warrenton for an Emergency Alert System, and the remaining \$166,605 will be applied to a County Mobile Data Transmission project; and

WHEREAS, a requirement for the award of this grant is the designation of a Grant Applicant's Agent; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the County Administrator be, and is hereby, authorized to execute for and on behalf of Fauquier County, a public entity established under the laws of the Commonwealth of Virginia, the 2003-II grant application, and to file such application in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the Department of Homeland Security (DHS) Office of Domestic Preparedness (ODP) Grant, administered by the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That Fauquier County, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the ODP for all matters pertaining to such Federal financial assistance any and all information pertaining to this Grant, as may be requested.

A Resolution Authorizing the County Administrator to Execute Amendment No. 002 to the Deed of Lease Between the Board of Supervisors of Fauquier County and the Commonwealth of Virginia, Department of Health

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AMENDMENT NO. 002 TO THE DEED OF LEASE BETWEEN

THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY AND THE
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF HEALTH

WHEREAS, the Fauquier County Board of Supervisors and the Commonwealth of Virginia, through its Department of Health, have entered into a lease of 1,800 square feet of office property, together with the use of the common areas on the second floor of the Alice Jane Childs Building located at 320 Hospital Drive, Warrenton, Virginia, 20186; and

WHEREAS, the Lease has been previously amended by Amendment No. 001, fully executed as of October 1, 2002; and

WHEREAS, the Commonwealth of Virginia, Department of Health has requested that the Fauquier County Board of Supervisors agree to Amendment No. 002 to the Deed of Lease, which Amendment provides that the Lease is automatically renewed on a year-to-year basis and that either party may terminate the Lease by three months written notice to the other party; and

WHEREAS, Amendment No. 002 also provides that annual rental for any renewal term shall be increased by an amount equivalent to Consumer Price Index; and

WHEREAS, the Board of Supervisors is willing to execute Amendment No. 002 to the Deed of Lease in accordance with the request from the Commonwealth of Virginia, Department of Health; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the County Administrator be, and is hereby, authorized to execute Amendment No. 002 to the Deed of Lease between the Fauquier County Board of Supervisors and the Commonwealth of Virginia, Department of Health, of 1,800 square feet of office space, together with the use of the common areas on the second floor of the Alice Jane Childs Building located at 320 Hospital Drive, Warrenton, Virginia, 20186.

A Resolution Authorizing the County Administrator to Execute a Lease on Behalf of Fauquier County with Austin Realty Management and Investments, Inc.

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A LEASE BETWEEN FAUQUIER COUNTY AND AUSTIN REALTY
MANAGEMENT AND INVESTMENTS, INC.

WHEREAS, Fauquier County will begin the process of remodeling the offices of the Commonwealth's Attorney located on the fourth floor of 40 Culpeper Street, Warrenton, Virginia 20186; and

WHEREAS, pursuant to §15.2-1638 of the Code of Virginia, 1950, as amended, the County is required to provide suitable space and facilities for the Commonwealth's Attorney to discharge the duties of his office; and

WHEREAS, the Director of General Services has reviewed available spaces in the Warrenton area and has recommended that the County lease a portion (3,210 square feet) of the 70 Main Street Office Building for the term of one (1) year; and

WHEREAS, the Department of General Services and Austin Realty Management and Investments, Inc. have agreed upon the basic tenets of the proposed lease; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the County Administrator be, and is hereby, authorized to execute a lease on behalf of Fauquier County with Austin Realty Management and Investments, Inc., consistent with the terms and conditions agreed to in the lease document, at such time as the lease has been approved by the County Attorney.

A RESOLUTION TO APPROVE THE REQUEST OF RAYMOND P. AND LINDA G. HAWKINS FOR A WAIVER OF ZONING ORDINANCE SECTION 7-302 1.B. TO ALLOW A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED ROAD, LEE DISTRICT

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>Mr. Chester W. Stribling</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO APPROVE THE REQUEST OF RAYMOND P. AND LINDA G. HAWKINS FOR A WAIVER OF ZONING ORDINANCE SECTION 7-302 1.B. TO ALLOW A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED ROAD

WHEREAS, Raymond P. and Linda G. Hawkins, applicants, are seeking a waiver to Zoning Ordinance Section 7-302.1.B to allow a subdivision on a private street that does not connect directly to a state maintained street; and

WHEREAS, the applicants wish to submit two family transfer division applications to divide their 8.6713 acre parcel, identified as PIN 7804-58-9416, with access via a fifty-foot easement to Maryann Lane, into two (2) lots to create lots for their children; and

WHEREAS, Maryann Lane is an existing private street that connects directly to Sumerduck Road (Route 651), a State maintained street; and

WHEREAS, the applicants have agreed to deed restrict the residue parcel stating that the residue may be divided into no more than two lots, with no further division permitted; and

WHEREAS, at its meeting on June 24, 2004, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That Zoning Ordinance Section 7-302.1.B be, and is hereby, waived to permit Raymond P. and Linda G. Hawkins to create two (2) family transfer divisions on the above-referenced parcel on a private street that does not connect directly to a State maintained street.

AN ORDINANCE TO APPROVE THE 13TH ADDITION TO MARSHALL/WARRENTON AGRICULTURAL AND FORESTAL DISTRICT, SCOTT DISTRICT

Mr. Downey moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison*
Nays: *None*
Absent During Vote: *Mr. Chester W. Stribling*
Abstention: *None*

ORDINANCE

AN ORDINANCE TO APPROVE THE 13th ADDITION TO THE MARSHALL/WARRENTON AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4310 of the *Code of Virginia* (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, all requirements of Section 15.2-4310 of the *Code of Virginia* (1950), as amended have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the 13th Addition to the Marshall/Warrenton Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 13th Addition to the Marshall/Warrenton Agricultural and Forestal District is hereby added this 19th day of July 2004, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310 of the *Code of Virginia* (1950), as amended, until the expiration of the District on January 20, 2005.
- 3) That the 13th Addition shall consist of the following parcel(s):

Kirk M. Lucas, PIN #6985-98-2842-000, 70.06 acres, less any land dedicated to commercial golf facilities or to any higher intensive use; and, be it

ORDAINED FURTHER, That the same conditions and restrictions shall apply, to wit:

- 1) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312 (b) of the *Code of Virginia* (1950), as amended, the Fauquier County Zoning Ordinance shall apply, except as

modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

- a. All uses allowed by-right in the applicable zoning district(s) for each parcel shall require a special exception permit, except that farming and single-family dwellings on a legally recorded parcel of record shall be permitted by-right;
 - b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted; and
 - c. No special exception shall be in conflict with the purposes for which the District was created.
- 2) That this parcel qualifies for land use value assessment provided that the parcel meets the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.
 - 3) That the owners of land within the District shall not terminate the District, except in accordance with Section 15.2-4314 of the Code.
 - 4) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.
 - 5) That the District will expire on January 20, 2005.
 - 6) That parcels under twenty-five (25) acres shall be excluded, except where exempted by the Board.

A RESOLUTION TO APPROVE THE REQUEST OF WILLIAM P. AND ISABELLE SWICK FOR A WAIVER OF ZONING ORDINANCE SECTION 7-302 1.B. TO ALLOW A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED ROAD, SCOTT DISTRICT

Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>Mr. Chester W. Stribling</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO APPROVE THE REQUEST OF WILLIAM P. AND ISABELLE SWICK
FOR A WAIVER OF ZONING ORDINANCE SECTION 7-302 1.B. TO ALLOW A PRIVATE
STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED ROAD

WHEREAS, William P. and Isabelle Swick, Applicants, are seeking a waiver to Zoning Ordinance Section 7-302.1.B to allow a subdivision on a private street that does not connect directly to a state maintained street; and

WHEREAS, the Applicants wish to create two (2) new lots, one family transfer division and one administrative division, from their 5.839-acre parcel identified as PIN 7916-03-9325-000, with access via a fifty-foot (50') easement, Stonefield Lane, which connects to Culver Lane, a private street; and

WHEREAS, Culver Lane is an existing private street that connects directly to Broad Run Church Road (Route 600), a state maintained street; and

WHEREAS, on June 24, 2004, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That Zoning Ordinance Section 7-302.1.B be, and is hereby, waived to permit William P. and Isabelle Swick to create one (1) family transfer division and (1) administrative division on the above-referenced parcel on a private street that does not connect directly to a state maintained street.

**A RESOLUTION TO WAIVE THE EXPENDITURE AUTHORIZATION LIMITATION
AND THE GENERAL ELECTION REQUIREMENT IN THE COUNTY'S DEBT
REFERENDUM POLICY FOR THE NEW HIGH SCHOOL**

Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>Mr. Chester W. Stribling</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO WAIVE THE EXPENDITURE
AUTHORIZATION LIMITATION AND THE GENERAL ELECTION
REQUIREMENT IN THE COUNTY'S DEBT REFERENDUM POLICY
FOR THE NEW HIGH SCHOOL

WHEREAS, the County's Debt Referendum Policy, amended November 18, 2003, requires construction projects exceeding \$10 million be subject to a referendum and such referendum must coincide with the general election; and

WHEREAS, the County's Debt Referendum Policy authorizes expenditures only for those costs related to preparing for such a referendum, including preliminary architectural and engineering design work; and

WHEREAS, on June 14, 2004, the Fauquier County School Board adopted a Resolution requesting the Board of Supervisors waive the general election requirement and the expenditure authorization limitation in the Debt Referendum Policy; and

WHEREAS, a November referendum on the question of the new high school does not provide sufficient time to educate the voters; and

WHEREAS, the design and construction of a new high school require over three years to complete, and it is imperative to ensure the new high school opens by August 2007; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the expenditure authorization limitation in the Debt Referendum Policy is hereby waived for the new high school, and the Fauquier County School Board is authorized to continue design work through 100% completion; and, be it

RESOLVED FURTHER, That the general election requirement in the Debt Referendum Policy is hereby waived for the new high school, and the referendum question may be held at an election other than the general election.

A RESOLUTION TO FUND A FIBER OPTIC NETWORK PROJECT AND TO AWARD A CONTRACT TO INSTALL THE FIBER

Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>Mr. Chester W. Stribling</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO FUND A FIBER OPTIC NETWORK PROJECT AND TO AWARD A CONTRACT TO INSTALL THE FIBER

WHEREAS, the Town of Warrenton, Fauquier County Public Schools and Fauquier County Government have worked with a consultant to design a fiber optic network to support future data and communication needs; and

WHEREAS, there is an immediate need for a fiber connection between the Sheriff's Office and the Town Police Department to support the establishment of a back-up dispatch system for the Warrenton-Fauquier Joint Communications Center; and

WHEREAS, the fiber connection will be an asset to the County's information technology infrastructure by increasing data speed on the wide area network allowing for faster processing of information on all systems used by County Government, including accounting, land records, and geographic information; and

WHEREAS, the cost of the project is \$250,000 including equipment, wiring installation and contract construction management; and

WHEREAS, the County Finance Committee has reviewed the issue, determined funds are available and recommends approval of the project; and

WHEREAS, on April 8, 2004, a request for proposals was issued resulting in the selection of Maughan Construction Company, Inc. to install, for the amount of \$153,803, the fiber routes that serve the Town and County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That \$250,000 be, and is hereby, authorized to support this project; and, be it

RESOLVED FURTHER, That the County Budget Office is directed to take the necessary steps to identify funding and to ensure all transfers are in accordance with established policies; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to enter into a contract with Maughan Construction Company, Inc. for the installation of fiber optic infrastructure.

AN ORDINANCE TO APPROVE REZONING REQUEST REZN-04-007 VIRGINIA CRANE RENTAL, INC.

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>Mr. Chester W. Stribling</i> |
| <i>Abstention:</i> | <i>None</i> |

ORDINANCE

**AN ORDINANCE TO APPROVE REZONING REQUEST REZN04-CR-007,
VIRGINIA CRANE RENTAL, INC.**

WHEREAS, Virginia Crane Rental, Inc., Owner, and R.L. Rider & Company, Applicant, have initiated an application to amend the Fauquier County Zoning Map, in accordance with the provisions of Zoning Ordinance Section 13-202, to rezone ±29.25 acres of Rural Agricultural (RA) to Industrial Park (I-1) to permit the development of a mix of industrial uses; and

WHEREAS, the Owner and Applicant have initiated a request to rezone approximately ±29.25 acres from RA to I-1, the portion of the parcel that is Commercial Highway (C-2) shall maintain that designation; and

WHEREAS, on April 29, 2004, the Fauquier County Planning Commission held the first of several public hearings on the rezoning request of R.L. Rider; and

WHEREAS, on June 21, 2004, the Fauquier County Board of Supervisors held a public hearing on this rezoning request and considered both oral and written testimony; and

WHEREAS, the Fauquier County Board of Supervisors has determined that the proposed rezoning is in conformance with the Fauquier County Comprehensive Plan as amended by this Ordinance; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Comprehensive Plan; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of July 2004, That Rezoning Request REZ04-CR-007, Virginia Crane Rental, Inc., to change the Zoning Map designation of ±29.25 acres of Rural Agricultural (RA) to Industrial Park (I-1) be, and is hereby, approved subject to the Comprehensive Plan Amendment CPAM04-CR-003, R.L. Rider Rezoning and Concept Development Plan prepared by Carson Harris dated June 7, 2004, and the Statement of Proffered Conditions R.L. Rider Rezoning PIN 6981-32-7629-000, REZN04-CR-007 dated June 7, 2004 and signed by Charles W. Rider, President, R.L. Rider & Company, Applicant, June 7, 2004; and, be it

ORDAINED FURTHER, That the Letter of Clarification, dated July 15, 2004, from R.L. Rider & Company, Owner/Applicant for the above referenced property, is added to the official record, Proffer Statement and supporting materials for Rezoning (REZN 04-CR-007); and, be it

ORDAINED FINALLY, That the following uses shall be excluded from the property defined as PIN 6981-32-7629-000:

1. Firing range, skeet or trap shooting facility;
2. Auto service station;
3. Motor vehicle impoundment;
4. Auction establishment;
5. Commercial storage and processing of bulk agricultural products;
6. Outdoor auctions for automobiles, trucks, heavy equipment, farm equipment, boats, recreational vehicles and trailers;
7. Sawmills;
8. Explosives storage; and
9. Abattoir.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Local Workforce Investment Board – Business Representative: Ben Merchant, with a term to expire June 30, 2007.
- Industrial Development Authority – Citizen-at-Large: Ben Merchant, with a term to expire July 19, 2007.
- Board of Assessors – Lee District: Taliaferro T. Copper, with a term to expire December 31, 2005.

- Board of Assessors – Marshall District: George N. Slater, with a term to expire December 31, 2005.
- Board of Assessors – Scott District: William T. Miller, with a term to expire December 31, 2005.
- Community Policy and Management Team – Private Service Sector: John Borgens, LCSW.
- Human Rights Commission – Citizens-at-Large: Jo Brabson; Andrew Egeland, Jr.; Jackie Hitchcock; Christina Kirby; Kathryn Palmer-Jenkins; Conway Porter; Ingerid Refour; and Alonzo White, with terms to expire December 31, 2007.

SUPERVISORS' TIME

- Mr. Graham, Mr. Atherton, and Mr. Robison each stated that the Fauquier County Fair was a very successful event and a wonderful time was had by all.

ANNOUNCEMENTS

- Mr. Hooper announced the recent polling place changes have been approved by the Justice Department and will take effect immediately.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE PROPOSED DEDICATION AND VACATION OF AN EASEMENT TO THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY AT THE BEALETON LIBRARY

A public hearing was held to receive public comment on the proposed vacation of an easement and grant of an easement to the Fauquier County Water and Sanitation Authority at the Bealeton Library. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>Mr. Chester W. Stribling</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE PROPOSED DEDICATION AND VACATION OF AN EASEMENT TO THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY AT THE BEALETON LIBRARY

WHEREAS, the Fauquier County Board of Supervisors owns property at Bealeton Station which is the site of a public library; and

WHEREAS, the Fauquier County Water and Sanitation Authority has requested an easement to permit the provision of public sewer to the site; and

WHEREAS, a recorded plat shows an easement for sewer purposes, but does not adequately describe the easement or properly grant the easement to the Water and Sanitation Authority; and

WHEREAS, Section 15.2-1800 of the Code of Virginia requires the Board of Supervisors to conduct a public hearing before public property can be conveyed for this purpose; and

WHEREAS, the proposed easement is necessary to permit sewer service for the site and does not adversely affect the site; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day July 2004, That the County Administrator be, and is hereby, authorized to execute the proposed dedication and vacation of easement to the Fauquier County Water and Sanitation Authority.

AN ORDINANCE EXEMPTING THE REAL AND PERSONAL PROPERTY OWNED BY PIEDMONT CHILD CARE CENTER, INC. FROM TAXATION

A public hearing was held to consider an application of Piedmont Child Care Center, Inc., for an exemption of its real and personal property from taxation. Mr. McCulla summarized the application. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>Mr. Chester W. Stribling</i> |
| <i>Abstention:</i> | <i>None</i> |

ORDINANCE

AN ORDINANCE EXEMPTING THE REAL AND PERSONAL
PROPERTY OWNED BY PIEDMONT CHILD CARE CENTER, INC.
FROM TAXATION

WHEREAS, Fauquier County Code Section 8-53 authorizes the Board of Supervisors to designate property as exempt from taxation where such property is held by organizations which use the property exclusively for religious, charitable, patriotic, historical, benevolent, cultural or public park and playground purposes; and

WHEREAS, Virginia Code §58.1-3651 sets forth the process and procedure by which a locality may designate property as tax exempt; and

WHEREAS, Virginia Code §58.1-3651.B requires that prior to the adoption of any Ordinance exempting property from local taxation, the Board of Supervisors shall hold a public hearing on the proposed application; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has considered the questions set forth in Virginia Code §58.1-3651.B and, upon consideration of

those questions, has determined that the application for the proposed exemption from taxation should be granted; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the real and personal property owned by Piedmont Child Care Center, Inc. be, and is hereby, designated as exempt from taxation for real and personal property taxes of the County based upon Piedmont Child Care Center, Inc.'s exclusive use of said property for benevolent purposes; and, be it

ORDAINED FURTHER, That the continuance of this exemption shall be conditioned upon the continuous use of this property in accordance with the purpose for which this organization has been designated; and, be it

ORDAINED FINALLY, That this exemption shall be effective on January 1, 2005.

A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$1,347,674 AND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$47,150

A public hearing was held to consider various budget related issues in the amount of \$1,297,056 in appropriations and \$50,618 in transfers for FY 2004 and \$47,150 in transfers for FY 2005, which have been identified for consideration. Bryan Tippie, Director of Finance, summarized the proposed budget amendments. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>Mr. Chester W. Stribling</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$1,347,674 AND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$47,150

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2004 Budget and on March 29, 2004, adopted the Fauquier County FY 2005 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee, at its June meeting, recommended FY 2004 budget adjustments of \$1,347,674 and FY 2005 budget adjustments of \$47,150 for the purposes set forth below; and

WHEREAS, on July 19, 2004, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004,
That the FY 2004 Budget be, and is hereby, amended in the amount of \$1,347,674 and that the
FY 2005 Budget be, and is hereby, amended in the amount of \$47,150 as follows:

| Source | FROM Code | Amount | Department | TO Code | Amount |
|---------------------------------|--|----------------------------------|--|---------------------------|-------------|
| FY 2004 | | | | | |
| Capital Funds | 4-302-94680-3310 | \$167,437 | School Division | 4-205-066500-6047-301-900 | \$167,437 |
| Local Funds | 3-302-191604-0001 | \$35,000 | School Division | 4-302-666000-8703 | \$35,000 |
| Local Funds | 3-207-164200-0010 | \$47,680 | School Division | 4-207-65100-6002-900-000 | \$47,680 |
| State Funds | 3-100-331000-0040 | \$24,221 | Sheriff's Office | 4-100-031230-8201 | \$24,221 |
| State Funds | 3-270-244100-0090 | \$6,475 | Fire & Emergency Services | 4-271-032420-6004 | \$6,475 |
| Federal Funds | 3-270-331000-0061 | \$100,000 | Fire & Emergency Services | 4-302-94301-8203 | \$100,000 |
| Federal Funds | 3-270-331000-0061 | \$215,620 | Fire & Rescue Association | 4-302-94301-8203 | \$215,620 |
| Fire & Rescue Association Funds | 4-270-32250-3160 | \$1,253 | Fire & Emergency Services | 4-271-032420-1201 | \$1,253 |
| Capital Funds | 4-302-94142-8212 | \$35,000 | Budget Office | 4-100-012840-6050 | \$35,000 |
| Capital Funds | 4-302-94160-8226 | \$508,469 | Conservation Easement Service District | 4-240-081800-6099 | \$508,469 |
| Capital Funds | 4-302-94430-8230 | \$60,000 | Water Resource Management | 4-100-82200-3160 | \$60,000 |
| Fund Balance Donation | 3-100-419000-0010 3-100-TBD | \$67,100 \$3,500 | Parks & Recreation (Marshall Community Center) | 4-302-71140-8506 | \$70,600 |
| Fund Balance | 3-100-419000-0010 | \$25,301 | Fire & Emergency Services | 4-302-94301-8203 | \$25,301 |
| Contingency Reserve (Transfer) | 4-100-091400-9999 | \$5,618 | Juvenile & Domestic Court | 4-100-021500-5410 | \$5,618 |
| Capital Funds (Transfer) | 4-302-94409-8215 4-302-94715-8215 4-302-94200-6102 | \$10,000 \$15,000 \$20,000 | Parks & Recreation (Marshall Com. Ctr.) | 4-302-71140-8506 | \$45,000 |
| FY 2005 | | | | | |
| General Services (Transfer) | 4-100-091400-3160 | \$47,150 | General Services | 4-100-043413-1101 | \$47,150 |
| TOTAL | | \$1,394,824 | | | \$1,394,824 |

CONSIDER ABANDONMENT OF A PORTION OF CEDAR RUN DRIVE

A public hearing was held to consider abandoning a portion of Cedar Run Drive, which has not been accepted for maintenance by the Virginia Department of Transportation. This unimproved portion of Cedar Run Drive is located south of the terminus of existing Cedar Run Drive, approximately 1,300 feet from its intersection with Millwood Drive. The portion to be abandoned lies adjacent to properties identified as PIN 6994-38-1432-000 and PIN 6994-38-4647-000, Center District. Mr. Atherton waived a staff report. Richard Pollizito; Paul Root, Center District; Andy Hall, Center District; Thad Humphries, Center District; John Body, Center District; Larry Parks, Center District; Bill Nace, Center District; and Meg Peck, Center District, spoke in favor of the abandonment. No one else spoke. The public hearing was closed. Mr. Robison moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|----------------------------|---|
| Ayes: | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| Nays: | <i>None</i> |
| Absent During Vote: | <i>Mr. Chester W. Stribling</i> |
| Abstention: | <i>None</i> |

RESOLUTION

A RESOLUTION TO ABANDON A PORTION OF CEDAR RUN DRIVE IN FAUQUIER COUNTY

WHEREAS, public notice was posted as prescribed under §33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described below that is not in the secondary system of State highways; and

WHEREAS, upon recordation of the Phase Two, Millwood Subdivision Plat, a temporary turnaround easement and land for the extension of Cedar Run Drive to Virginia Route 678 was dedicated for public use; and

WHEREAS, the Fauquier County Board of Supervisors has received a request to abandon an unimproved portion of Cedar Run Drive at the terminus of Cedar Run Drive (Route 1405); and

WHEREAS, the stated portion of road is shown on the Phase Two, Millwood Subdivision Plat, approved by the Board of Supervisors on May 20, 1980; and

WHEREAS, the Virginia Department of Transportation was provided notice of this Board's intent to abandon the subject section of right-of-way; and

WHEREAS, on March 15, 2004 and July 19, 2004, the Board of Supervisors held public hearings and considered oral and written testimony on the proposed abandonment; and

WHEREAS, after considering all evidence available, the Fauquier County Board of Supervisors is satisfied that no public necessity exists for the continuance of the section of Cedar Run Drive, a distance of approximately 35 feet, and hereby deems that section of road is no longer necessary; and

WHEREAS, this resolution hereby vests fee simple title of the abandoned right-of-way to the adjoining property owners of the parcels identified as PIN 6994-38-1401-000 and 6994-38-4647-000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of July 2004, That the Board of Supervisors does hereby abandon the above-described section of road, pursuant to § 33.1-156 *et seq.*, Code of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute any deeds or other documents necessary to transfer any title or interest the Fauquier County Board of Supervisors may have acquired in the portion of the street which was abandoned, and to take steps necessary to obtain a permanent cul-de-sac easement; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE

A public hearing was held to consider a text amendment to Section 6-105 of the Fauquier County Zoning Ordinance in order to allow a reduction in the additional 100 foot setback requirement for barns by approval of a special permit. The reduction would be limited to barns in the RA, RC, I-1 and I-2 zoning districts, and only where adjacent to other properties zoned RA, RC, I-1 and I-2. Rick Carr, Director of Community Development, summarized the proposed amendment. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|----------------------------|--|
| <i>Ayes:</i> | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>Mr. Chester W. Stribling</i> |
| <i>Abstention:</i> | <i>None</i> |

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 6-105.6 TO REDUCE THE ADDITIONAL SETBACK REQUIREMENT FOR BARNs IN CERTAIN ZONING DISTRICTS

WHEREAS, Section 6-105.6 of the Fauquier County Zoning Ordinance currently requires a 100 foot setback from all property lines for all barns; and

WHEREAS, this setback requires barns to be placed in less than optimal locations in some instances; and

WHEREAS, the text amendment would provide setback flexibility in the rural and industrial zones through approval of a special permit; and

WHEREAS, on June 24, 2004, the Planning Commission held a public hearing on the issue; and

WHEREAS, on June 24, 2004, the Planning Commission voted to recommend adoption of the proposed amendment; and

WHEREAS, on July 19, 2004, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of July 2004, That Section 6-105.6 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

6-105 Location Regulations

6. Barns shall not be located less than 100 feet from any property line, **except if located on a property zoned RC/Rural Conservation, RA/Rural Agriculture, I-1/Industrial or I-2/Industrial and also if located on a property line adjacent to property zoned RC/Rural Conservation, RA/Rural Agriculture, I-1/Industrial or I-2/Industrial, then the Board of Zoning Appeals may reduce this setback requirement by approval of a special permit.**

REZONING #REZN04-CR-005 – SEVINSKY ENTERPRISES, INC., OWNER AND APPLICANT - FAUQUIER FEED SUPPLY

A public hearing was held to consider an application to rezone approximately 9.6 acres from RA (Rural Agriculture) to I-2 (Industrial – General) in order to allow the continued use of business wash bays, the filling of propane tanks from a business pumping station as well as the rental of ten (10) buildings to accommodate various businesses. The property is located on the southeast side of Ritchie Road (Route 644), Cedar Run District, further identified as PIN #7808-31-4577-000. Rick Carr, Director of Community Development, summarized the application. Tom Sevinsky, Applicant, requested favorable consideration of the application, and requested postponement of action until Federal Emergency Management Agency (FEMA) restrictions are brought into compliance. Frank Ott, Lee District, spoke in favor of the application. Dan O’Connell, Esquire, spoke on behalf of Mr. Deem, owner of Remington Car Wash, in opposition to the rezoning application. No one else spoke. Mr. Graham moved to keep the public hearing open and to postpone a decision for up to one (1) year, in order to allow the Applicant an opportunity to comply with FEMA regulations. Mr. Downey seconded. Mr. Downey then moved to amend the motion to keep the public hearing open and postpone consideration of the application for sixty (60) days, at which time the Applicant may provide an update on the status of compliance efforts with FEMA floodplain requirements. Mr. Graham seconded and the vote for the motion was 4 to 0 as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison
Nays: None
Absent During Vote: Mr. Chester W. Stribling
Abstention: None

SPECIAL EXCEPTION AMENDMENT - #SPEX03-MA-016 – DOUGLAS E. & SHARON Y. DARLING, OWNERS AND APPLICANTS – CANNON RIDGE

And

SPECIAL EXCEPTION - #SPEX04-MA-020 – DOUGLAS E. & SHARON Y. DARLING, OWNERS, AND FAUQUIER COUNTY WATER AND SANITATION AUTHORITY, APPLICANT – CANNON RIDGE WATER STORAGE SILO

On June 21, 2004, a public hearing was held to consider an application to obtain a Special Exception Amendment under Category 27 (SPEX03-MA-016), in order to amend a previously approved condition, which would allow for a further incremental reduction in open space in order to accommodate the placement of a water storage silo on the site, and also to consider an application to obtain Special Exception approval under Category 20 (SPEX04-MA-020), which would allow for the construction of an above ground water storage silo. The Board of Supervisors postponed action on the application and kept the public hearings open to allow additional public input and to provide time for the Water and Sanitation Authority (WSA) to complete a staff report regarding its plan for system improvements. The property, which is in the Marshall Service District, is located off Main Street in Marshall Virginia, across from the Marshall Rescue Squad and east of Lunceford Lane, Marshall District, further identified as PIN #6969-47-7043-000. On July 19, 2004, the public hearings were continued in order to receive additional citizen comments on SPEX03-MA-016 and SPEX04-MA-20. Jennifer Showalter, Marshall District, requested a public information meeting within the Town of Marshall before the next Board of Supervisors' meeting. Kitty Smith, Marshall District, spoke in opposition to the applications. No one else spoke. Mr. Atherton moved to hold open the public hearings and to table a decision on the matters until the next regular meeting on August 16, 2004. Mr. Downey seconded, and the vote for the motion was 4 to 0 as follows:

| | |
|-----------------------------------|---|
| <i>Ayes:</i> | <i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>Mr. Chester W. Stribling</i> |
| <i>Abstention:</i> | <i>None</i> |

With no further business, the meeting was adjourned at 8:30 p.m.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on July 19, 2004.

G. Robert Lee
Clerk to the Board of Supervisors